



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5748

Introduced 2/16/2012, by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-9012  
55 ILCS 5/4-2001

from Ch. 34, par. 3-9012  
from Ch. 34, par. 4-2001

Amends the Counties Code. Provides that the amount to be paid by the counties to a State's attorney and the amount of the reimbursement from the State Treasury shall be apportioned to a county based on its population. Provides that each State's attorney in counties with a population of less than 30,000 shall be paid \$128,959, of which the counties shall pay \$16,998; and each State's attorney in counties with a population of 30,000 or more, shall receive \$166,508, of which the counties shall pay \$21,831. Authorizes the payment of specified salaries and reimbursements by the Office of the Comptroller (now, the Department of Revenue) out of certain funds. Effective immediately.

LRB097 18749 KMW 63984 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing  
5 Sections 3-9012 and 4-2001 as follows:

6 (55 ILCS 5/3-9012) (from Ch. 34, par. 3-9012)

7 Sec. 3-9012. Compensation. A State's attorney's  
8 compensation shall be as proscribed by law during his or her  
9 term of office, notwithstanding any amounts due and owed from  
10 the State Treasury. A State's attorney who serves 2 or more  
11 counties shall receive such compensation from the State  
12 Treasury as is provided by law for the State's attorney of a  
13 single county. ~~He shall be paid by the counties such~~  
14 ~~compensation as may be agreed upon by the county boards within~~  
15 ~~the salary range prescribed by law applicable to a single~~  
16 ~~county with a population equal to the combined population of~~  
17 ~~the counties he serves. Unless the county boards agree upon a~~  
18 ~~lesser amount, he shall be paid the highest permissible salary~~  
19 ~~within such range.~~ The amount to be paid by the counties and  
20 the amount of the reimbursement from the State Treasury shall  
21 be apportioned among them on the basis of their population.  
22 ~~Seventy-five percent (75%) of the amount provided by law to be~~  
23 ~~paid from the State treasury for the services of the State's~~

1 ~~attorney in the case of a single county is payable to each of~~  
2 ~~the counties served by the same State's attorney, except that~~  
3 ~~the amounts paid to those counties under this Section in any~~  
4 ~~year may not exceed, in the aggregate, the annual salary paid~~  
5 ~~to that State's attorney from both county and State funds, in~~  
6 ~~which case reduction of the State's contribution to each county~~  
7 ~~shall be reduced proportionately according to population of~~  
8 ~~each participating county.~~

9 (Source: P.A. 86-962.)

10 (55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)

11 Sec. 4-2001. State's attorney salaries.

12 (a) There shall be allowed to the several state's attorneys  
13 in this State, except the state's attorney of Cook County, the  
14 following annual salary:

15 (1) (Blank). ~~Subject to paragraph (5), to each state's~~  
16 ~~attorney in counties containing less than 10,000~~  
17 ~~inhabitants, \$40,500 until December 31, 1988, \$45,500~~  
18 ~~until June 30, 1994, and \$55,500 thereafter or as set by~~  
19 ~~the Compensation Review Board, whichever is greater.~~

20 (2) (Blank). ~~Subject to paragraph (5), to each state's~~  
21 ~~attorney in counties containing 10,000 or more inhabitants~~  
22 ~~but less than 20,000 inhabitants, \$46,500 until December~~  
23 ~~31, 1988, \$61,500 until June 30, 1994, and \$71,500~~  
24 ~~thereafter or as set by the Compensation Review Board,~~  
25 ~~whichever is greater.~~

1           (3) (Blank). ~~Subject to paragraph (5), to each state's~~  
2 ~~attorney in counties containing 20,000 or more but less~~  
3 ~~than 30,000 inhabitants, \$51,000 until December 31, 1988,~~  
4 ~~\$65,000 until June 30, 1994, and \$75,000 thereafter or as~~  
5 ~~set by the Compensation Review Board, whichever is greater.~~

6           (4) (Blank). ~~To each state's attorney in counties of~~  
7 ~~30,000 or more inhabitants, \$65,500 until December 31,~~  
8 ~~1988, \$80,000 until June 30, 1994, and \$96,837 thereafter~~  
9 ~~or as set by the Compensation Review Board, whichever is~~  
10 ~~greater.~~

11           (5) (Blank). ~~Effective December 1, 2000, to each~~  
12 ~~state's attorney in counties containing fewer than 30,000~~  
13 ~~inhabitants, the same salary plus any cost of living~~  
14 ~~adjustments as authorized by the Compensation Review Board~~  
15 ~~to take effect after January 1, 1999, for state's attorneys~~  
16 ~~in counties containing 20,000 or more but fewer than 30,000~~  
17 ~~inhabitants, or as set by the Compensation Review Board~~  
18 ~~whichever is greater.~~

19           To each State's attorney in counties with a population of  
20 less than 30,000 inhabitants, \$128,959, of which the counties  
21 shall pay \$16,998; and to each State's attorney in counties  
22 with a population of 30,000 or more inhabitants, \$166,508, of  
23 which the counties shall pay \$21,831, plus any cost of living  
24 increases authorized by the Compensation Review Board Act.

25           ~~The State shall furnish 66 2/3% of the total annual~~  
26 ~~compensation to be paid to each state's attorney in Illinois~~

1 ~~based on the salary in effect on December 31, 1988, and 100% of~~  
2 ~~the increases in salary taking effect after December 31, 1988.~~

3 ~~Said Subject to appropriation, said~~ amounts furnished by  
4 the State shall be payable monthly by the Office of the  
5 Comptroller Department of Revenue out of the Personal Property  
6 Tax Replacement Fund or the General Revenue Fund to the county  
7 in which each state's attorney is elected.

8 ~~Each county shall be required to furnish 33 1/3% of the~~  
9 ~~total annual compensation to be paid to each state's attorney~~  
10 ~~in Illinois based on the salary in effect on December 31, 1988.~~

11 ~~Within 90 days after the effective date of this amendatory~~  
12 ~~Act of the 96th General Assembly, the county board of any~~  
13 ~~county with a population between 15,000 and 50,000 by~~  
14 ~~resolution or ordinance may increase the amount of compensation~~  
15 ~~to be paid to each eligible state's attorney in their county in~~  
16 ~~the form of a longevity stipend which shall be added to and~~  
17 ~~become part of the salary of the state's attorney for that~~  
18 ~~year. To be eligible, the state's attorney must have served in~~  
19 ~~the elected position for at least 20 continuous years and elect~~  
20 ~~to participate in a program for an alternative annuity for~~  
21 ~~county officers and make the required additional optional~~  
22 ~~contributions as authorized by P.A. 90-32.~~

23 (b) Effective December 1, 2000, no state's attorney may  
24 engage in the private practice of law. ~~However, until November~~  
25 ~~30, 2000, (i) the state's attorneys in counties containing~~  
26 ~~fewer than 10,000 inhabitants may engage in the practice of~~

1 ~~law, and (ii) in any county between 10,000 and 30,000~~  
2 ~~inhabitants or in any county containing 30,000 or more~~  
3 ~~inhabitants which reached that population between 1970 and~~  
4 ~~December 31, 1981, the state's attorney may declare his or her~~  
5 ~~intention to engage in the private practice of law, and may do~~  
6 ~~so through no later than November 30, 2000, by filing a written~~  
7 ~~declaration of intent to engage in the private practice of law~~  
8 ~~with the county clerk. The declaration of intention shall be~~  
9 ~~irrevocable during the remainder of the term of office. The~~  
10 ~~declaration shall be filed with the county clerk within 30 days~~  
11 ~~of certification of election or appointment, or within 60 days~~  
12 ~~of March 15, 1989, whichever is later. In that event the annual~~  
13 ~~salary of such state's attorney shall be as follows:~~

14 (1) (Blank). ~~In counties containing 10,000 or more~~  
15 ~~inhabitants but less than 20,000 inhabitants, \$46,500~~  
16 ~~until December 31, 1988, \$51,500 until June 30, 1994, and~~  
17 ~~\$61,500 thereafter or as set by the Compensation Review~~  
18 ~~Board, whichever is greater. The State shall furnish 100%~~  
19 ~~of the increases taking effect after December 31, 1988.~~

20 (2) (Blank). ~~In counties containing 20,000 or more~~  
21 ~~inhabitants but less than 30,000 inhabitants, and in~~  
22 ~~counties containing 30,000 or more inhabitants which~~  
23 ~~reached said population between 1970 and December 31, 1981,~~  
24 ~~\$51,500 until December 31, 1988, \$56,000 until June 30,~~  
25 ~~1994, and \$65,000 thereafter or as set by the Compensation~~  
26 ~~Review Board, whichever is greater. The State shall furnish~~

1 ~~100% of the increases taking effect after December 31,~~  
2 ~~1988.~~

3 (c) In counties where a state mental health institution, as  
4 hereinafter defined, is located, one assistant state's  
5 attorney shall, subject to appropriation, receive for his  
6 services, payable monthly by the Office of the Comptroller  
7 ~~Department of Revenue~~ out of the Personal Property Tax  
8 Replacement Fund or the General Revenue Fund to the county in  
9 which he is appointed, the following:

10 (1) To each assistant state's attorney in counties  
11 containing less than 10,000 inhabitants, the sum of \$2,500  
12 per annum;

13 (2) To each assistant state's attorney in counties  
14 containing not less than 10,000 inhabitants and not more  
15 than 20,000 inhabitants, the sum of \$3,500 per annum;

16 (3) To each assistant state's attorney in counties  
17 containing not less than 20,000 inhabitants and not more  
18 than 30,000 inhabitants, the sum of \$4,000 per annum;

19 (4) To each assistant state's attorney in counties  
20 containing not less than 30,000 inhabitants and not more  
21 than 40,000 inhabitants, the sum of \$4,500 per annum;

22 (5) To each assistant state's attorney in counties  
23 containing not less than 40,000 inhabitants and not more  
24 than 70,000 inhabitants, the sum of \$5,000 per annum;

25 (6) To each assistant state's attorney in counties  
26 containing not less than 70,000 inhabitants and not more

1 than 1,000,000 inhabitants, the sum of \$6,000 per annum.

2 (d) The population of all counties for the purpose of  
3 fixing salaries as herein provided shall be based upon the last  
4 Federal census immediately previous to the appointment of an  
5 assistant state's attorney in each county.

6 (e) At the request of the county governing authority, in  
7 counties where one or more state correctional institutions, as  
8 hereinafter defined, are located, one or more assistant state's  
9 attorneys shall, subject to appropriation, receive for their  
10 services, provided that such services are performed in  
11 connection with the state correctional institution, payable  
12 monthly by the Office of the Comptroller ~~Department of Revenue~~  
13 out of the Personal Property Tax Replacement Fund or the  
14 General Revenue Fund to the county in which they are appointed,  
15 the following:

16 (1) \$22,000 for each assistant state's attorney in  
17 counties with one or more State correctional institutions  
18 with a total average daily inmate population in excess of  
19 2,000, on the basis of 2 assistant state's attorneys when  
20 the total average daily inmate population exceeds 2,000 but  
21 is less than 4,000; and 3 assistant state's attorneys when  
22 such population exceeds 4,000; with reimbursement to be  
23 based on actual services rendered.

24 (2) \$15,000 per year for one assistant state's attorney  
25 in counties having one or more correctional institutions  
26 with a total average daily inmate population of between 750

1 and 2,000 inmates, with reimbursement to be based on actual  
2 services rendered.

3 (3) A maximum of \$12,000 per year for one assistant  
4 state's attorney in counties having less than 750 inmates,  
5 with reimbursement to be based on actual services rendered.

6 Upon application of the county governing authority and  
7 certification of the State's Attorney, the Director of  
8 Corrections may, in his discretion and subject to  
9 appropriation, increase the amount of salary reimbursement  
10 to a county in the event special circumstances require the  
11 county to incur extraordinary salary expenditures as a  
12 result of services performed in connection with State  
13 correctional institutions in that county.

14 In determining whether or not to increase the amount of  
15 salary reimbursement, the Director shall consider, among other  
16 matters:

17 (1) the nature of the services rendered;

18 (2) the results or dispositions obtained;

19 (3) whether or not the county was required to employ  
20 additional attorney personnel as a direct result of the  
21 services actually rendered in connection with a particular  
22 service to a State correctional institution.

23 (f) In counties where a State senior institution of higher  
24 education is located, the assistant state's attorneys  
25 specified by this Section shall, subject to appropriation,  
26 receive for their services, payable monthly by the Office of

1 ~~the Comptroller Department of Revenue~~ out of the Personal  
2 Property Tax Replacement Fund or the General Revenue Fund to  
3 the county in which appointed, the following:

4 (1) \$14,000 per year each for employment on a full time  
5 basis for 2 assistant state's attorneys in counties having  
6 a State university or State universities with combined full  
7 time enrollment of more than 15,000 students.

8 (2) \$7,200 per year for one assistant state's attorney  
9 with no limitation on other practice in counties having a  
10 State university or State universities with combined full  
11 time enrollment of 10,000 to 15,000 students.

12 (3) \$4,000 per year for one assistant state's attorney  
13 with no limitation on other practice in counties having a  
14 State university or State universities with combined full  
15 time enrollment of less than 10,000 students.

16 Such salaries shall be paid to the state's attorney and the  
17 assistant state's attorney in equal monthly installments by  
18 such county out of the county treasury provided that, subject  
19 to appropriation, the Office of the Comptroller ~~Department of~~  
20 ~~Revenue~~ shall reimburse each county monthly, out of the  
21 Personal Property Tax Replacement Fund or the General Revenue  
22 Fund, the amount of such salary. This Section shall not prevent  
23 the payment of such additional compensation to the state's  
24 attorney or assistant state's attorney of any county, out of  
25 the treasury of that county as may be provided by law.

26 (g) For purposes of this Section, "State mental health

1 institution" means any institution under the jurisdiction of  
2 the Department of Human Services that is listed in Section 4 of  
3 the Mental Health and Developmental Disabilities  
4 Administrative Act.

5 For purposes of this Section, "State correctional  
6 institution" means any facility of the Department of  
7 Corrections including adult facilities, juvenile facilities,  
8 pre-release centers, community correction centers, and work  
9 camps.

10 For purposes of this Section, "State university" means the  
11 University of Illinois, Southern Illinois University, Chicago  
12 State University, Eastern Illinois University, Governors State  
13 University, Illinois State University, Northeastern Illinois  
14 University, Northern Illinois University, Western Illinois  
15 University, and any public community college which has  
16 established a program of interinstitutional cooperation with  
17 one of the foregoing institutions whereby a student, after  
18 earning an associate degree from the community college, pursues  
19 a course of study at the community college campus leading to a  
20 baccalaureate degree from the foregoing institution (also  
21 known as a "2 Plus 2" degree program).

22 (h) A number of assistant state's attorneys shall be  
23 appointed in each county that chooses to participate, as  
24 provided in this subsection, for the prosecution of  
25 alcohol-related traffic offenses. Each county shall receive  
26 monthly a subsidy for payment of the salaries and benefits of

1 these assistant state's attorneys from State funds  
2 appropriated to the Office of the Comptroller ~~Department of~~  
3 ~~Revenue~~ out of the Personal Property Tax Replacement Fund or  
4 the General Revenue Fund for that purpose. The amounts of  
5 subsidies provided by this subsection shall be adjusted for  
6 inflation each July 1 using the Consumer Price Index of the  
7 Bureau of Labor Statistics of the U.S. Department of Labor.

8 When a county chooses to participate in the subsidy program  
9 described in this subsection (h), the number of assistant  
10 state's attorneys who are prosecuting alcohol-related traffic  
11 offenses must increase according to the subsidy provided in  
12 this subsection. These appointed assistant state's attorneys  
13 shall be in addition to any other assistant state's attorneys  
14 assigned to those cases on the effective date of this  
15 amendatory Act of the 91st General Assembly, and may not  
16 replace those assistant state's attorneys. In counties where  
17 the state's attorney is the sole prosecutor, this subsidy shall  
18 be used to provide an assistant state's attorney to prosecute  
19 alcohol-related traffic offenses along with the state's  
20 attorney. In counties where the state's attorney is the sole  
21 prosecutor, and in counties where a judge presides over cases  
22 involving a variety of misdemeanors, including alcohol-related  
23 traffic matters, assistant state's attorneys appointed and  
24 subsidized by this subsection (h) may also prosecute the  
25 different misdemeanor cases at the direction of the state's  
26 attorney.

1 Assistant state's attorneys shall be appointed under this  
2 subsection in the following number and counties shall receive  
3 the following annual subsidies:

4 (1) In counties with fewer than 30,000 inhabitants, one  
5 at \$35,000.

6 (2) In counties with 30,000 or more but fewer than  
7 100,000 inhabitants, one at \$45,000.

8 (3) In counties with 100,000 or more but fewer than  
9 300,000 inhabitants, 2 at \$45,000 each.

10 (4) In counties, other than Cook County, with 300,000  
11 or more inhabitants, 4 at \$50,000 each.

12 The amounts appropriated under this Section must be  
13 segregated by population classification and disbursed monthly.

14 If in any year the amount appropriated for the purposes of  
15 this subsection (h) is insufficient to pay all of the subsidies  
16 specified in this subsection, the amount appropriated shall  
17 first be prorated by the population classifications of this  
18 subsection (h) and then among the counties choosing to  
19 participate within each of those classifications. If any of the  
20 appropriated moneys for each population classification remain  
21 at the end of a fiscal year, the remainder of the moneys may be  
22 allocated to participating counties that were not fully funded  
23 during the course of the year. Nothing in this subsection  
24 prohibits 2 or more State's attorneys from combining their  
25 subsidies to appoint a joint assistant State's attorney to  
26 prosecute alcohol-related traffic offenses in multiple

1 counties. Nothing in this subsection prohibits a State's  
2 attorney from appointing an assistant State's attorney by  
3 contract or otherwise.

4 (Source: P.A. 96-259, eff. 8-11-09; 97-72, eff. 7-1-11.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.